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BOOK REVIEWS AND NOTES.

REVIEWS.

A MANUAL OF THE CONSTITUTIONAL HISTORY OF CANADA. BY JOHN GEORGE BOURINOT, LL.D., F. R. S. Can., Clerk of the House of Commons of Canada. Pp. 238. Montreal: Dawson Brothers.

FEDERAL GOVERNMENT IN CANADA. By JOHN G. BOURINOT, Hon. LL.D., D. C. L., Clerk of the House of Commons, etc. Pp. 172. Baltimore: Johns Hopkins University Studies.

THESE books are from the pen of Dr. Bourinot, who has already given the scientific world several works on the Constitution and government of Canada which are excellent contributions to a class of literature in which Canada has few acceptable treatises. The position which he occupies in the House of Commons gives him an opportunity to obtain the exact facts on many historical and political questions.

The *Constitutional History of Canada* is designed especially as a manual for students of political science, and is a revision of the author's *Parliamentary Practice and Procedure in Canada*. After giving a short history of the nature of the first government of Canada, the author proceeds to a consideration of Canada under the French *régime* and very briefly presents the more salient features of that feudal and bureaucratic administration which has left its stamp on the religious institutions, feeling, and character of the people. Then follows a short sketch of the attitude of Great Britain toward Canada from the time of the French capitulation in 1760 to 1774, when the uncertainty as to the

laws in force caused the intervention of Parliament in Canadian affairs, and the granting of the charter known as the Quebec Act. By the Constitutional Act of 1791, which divided Canada into two provinces, the colony approached one step toward the present self-government system, although all public functionaries were appointed by the Crown and all matters of commerce, navigation, and defence were regulated by the British Parliament. Dr. Bourinot gives a very complete and accurate account of the discontent which manifested itself in Lower Canada, where the assembly withheld the supplies and caused the rebellion of 1837-8, and the intervention of the imperial government. In treating the mission of Lord Durham and the report which resulted in the Union Act of 1840, the author has done some of his best work, and the references and footnotes which he furnishes enable a thorough study of the political struggle which led to responsible government and the federal union of the provinces. We have next a discussion of the present constitution of the general government, its executive and ministerial functions and departments. The constitution of Parliament is treated of in the next chapter, in which the Franchise Act of 1885 is fully explained. Having shown the control of the Dominion government over the respective provinces, the author next treats of the constitution of the provincial governments and provinces, which differ in no respect from representative governments in general. The remaining chapters of the book are devoted to the disallowance of provincial acts, showing two or three cases; distribution of legislative powers, which is given in great detail, and the decisions of the Privy Council of England and of the Supreme Court of Canada in questions of legislative jurisdiction. There is an appendix containing the full text of the British North America Act of 1867.

The author may be congratulated on the successful handling of a difficult subject in a manner sufficiently concise to be serviceable in the class-room as an educational

text-book, and sufficiently attractive in its style and clear in its general treatment to win the attention of the ordinary reader.

Federal Government in Canada is a work comprising four lectures which the author delivered in 1889 before Trinity University, Toronto, Canada. The first lecture is an historical outline. Commencing with the foundation of the colony about Quebec in the year 1608, which he very truly considers the beginning of immediate colonization, he divides the political and social development of Canada up to the year 1867 into four distinct periods. In the first period, from 1608 to 1760, Dr. Bourinot gives a brief history of Canada under the French *régime*, when the people made little progress because of an autocratic government, and the existence of the feudal system and the ancient laws of the *Coutume de Paris*. Dr. Bourinot could have put more stress on the influence of France on Canadian institutions. A Romance people were not capable of colonization to the same extent as those of Teutonic origin; and when we consider the utter ignorance of the Canadian *habitants* in everything essential to the development of a new continent, and the demoralizing tithe system, it is not strange that Canada has always been behind the United States. The second period the author calls the "transition stage," because it illustrates the development from the state of complete ignorance that existed at the time of the conquest to the state of larger political freedom that the Constitutional Act of 1791 gave to the people of Canada. The colonial governments given to Canada after the fall of the French power are very accurately treated. The home government understood the peculiar nature of its "new subjects," and established a strong and almost tyrannical colonial administration, which continued until the French Canadians began to show signs of dissatisfaction at the changes which were appearing in their midst. The first constitution of Canada, the

Quebec Act of 1774, was for the purpose of conciliating the French Canadians. All those professing the belief of the Roman Catholic church were allowed the free exercise of their religion and the clergy were maintained in all their rights, even that of levying tithes. The effect was to appease the French Canadians but to arouse the displeasure of the English. The third period, from 1791 to 1841, marks the struggle between the Imperial power and the people. The fourth period paved the way for the present constitution, which gives Canada an almost national existence. The general features of the federal system are the subject of the next chapter, where the respective powers of the Dominion and provincial governments are explained, the author clearly pointing out many of the defects in the constitution of Canada, as well as those attributes of harmony and strength which are calculated to assist national development and give full liberty to local institutions.

"The Government and the Parliament" is the title of a lecture which demonstrates the manner in which there is established a balance of power between the chief organs of government. In respect to the protection afforded by the British North America Act through a system of checks and balances by which the government at Downing Street keeps a little control over Canada, the author takes a sanguine view of the benefits that Canada derives from the British connection. Nevertheless he endeavors to take an impartial view of the situation, and cannot overlook certain weaknesses that are apparent in the present situation.

The style is generally clear without being elegant, and one gets the impression that the author has a good understanding of his subject. The treatise is replete with information, and federal government in Canada has received full consideration.

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New York.